

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 TRSE-00 ERDA-05

CIAE-00 COME-00 MC-02 L-03 PM-04 INR-07 SP-02 /043 W

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R 121548Z AUG 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 2073

INFO AMEMBASSY PARIS

USMISSION OECD PARIS

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 01 OF 02 BONN 12997

E.O. 11652: GDS

TAGS: ESTC, COCOM

SUBJECT: COCOM: REVISED COMPUTER CONTROL LEVELS

REF: STATE 182648

1. EMBOFFS MET WITH ACTING ASSISTANT SECRETARY FOR TRADE POLICY ELSON AND WITH GAYMANN TO DISCUSS GERMAN RESERVATIONS TO ASPECTS OF US PROPOSALS RELATED TO RIGHTS OF ACCESS AND VISITATION OUTLINED IN REFTTEL. GAYMANN STATED THAT FRG HAS PREPARED A NOTE TO BE DISTRIBUTED SHORTLY AS COCOM DOCUMENT CONTAINING A DETAILED COMMENTARY ON US PROPOSAL AND SPELLING OUT GERMAN OBJECTIONS THERETO. GIST OF MEETING, HOWEVER, INDICATED THAT GERMAN POSITION PROBABLY NOT SO DOGMATIC AS APPEARED TO BE THE CASE DURING COCOM SESSIONS. ELSON PARTICULARLY FELT THAT GERMAN AND US POSITIONS ON THESE ISSUES CAN BE HARMONIZED BEFORE NEXT SESSION. BOTH GAYMANN AND ELSON PLEADED LACK OF SUFFICIENT TECHNICAL EXPERTISE TO ENABLE THEM TO SAY DEFINITELY WHETHER US PROPOSALS REGARDING RIGHTS OF ACCESS AND VISITATION WERE OR WERE NOT JUSTIFIED. THEY MAINTAINED, HOWEVER, THAT THE MAJOR STUMBLING BLOCK TO COCOM ACCORD ON THE MATTER WAS FRANCE.

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2. RIGHT OF ACCESS: THE ONLY APPARENT GERMAN PROBLEM WITH NOTE 5 (D)(III) OF THE US PROPOSAL WAS A RELUCTANCE ON THE PART OF THE FRG TO HAVE ACCESS WITHOUT TIME LIMIT. THEY FELT THAT RIGHT OF ACCESS SHOULD BE LIMITED TO SPECIFIC TIME, PROBABLY SAME AS THAT OF VISITATION. THEY EXPRESSED CONCERN, HOWEVER, THAT A TIME LIMITATION SPELLED OUT IN THE AGREEMENT AND APPEARING IN THE SALES CONTRACTS MIGHT PRODUCE A NEGATIVE EFFECT ON BLOC CUSTOMERS WITH POLITICAL RAMIFICATIONS. FINAL FRG VIEW, WHILE NOT YET FORMALIZED, WILL PROBABLY SEEK TO ESTABLISH INFORMAL COCOM AGREEMENT ON LENGTH OF TIME THAT RIGHT OF ACCESS PERMITTED, BUT OMIT A TIME FRAME FROM CONTRACTS WITH CUSTOMERS.

3. VISITATION: ONCE AGAIN THE FRG POSITION DOES NOT APPEAR TO BE TOO SOLID. GAYMANN ADVANCED A NUMBER OF MINOR AND IN SOME CASES IRRELEVANT POINTS TO SUPPORT THE VIEW THAT QUARTERLY VISITATION FOR THREE YEARS FOLLOWED BY THREE YEARS SEMI-ANNUALLY WOULD SUFFICE. AMONG THESE POINTS WAS THE VIEW THAT MONTHLY VISITATIONS FOR THREE YEARS REPRESENTED A SEVERE HARDSHIP FOR THE SMALLER COMPUTER COMPANIES. WHEN IT WAS POINTED OUT THAT THE SMALLER COMPANIES IN GERMANY WERE NOT MANUFACTURING THE TYPE OF EQUIPMENT COVERED BY NOTE 5 (E)(III) AND THUS WOULD NEVER BE CONCERNED WITH HAVING TO MAKE THE VISITATIONS, GAYMANN SAID THAT GERMAN INDUSTRY WOULD PROBABLY BE WILLING TO ACCEPT THE US PROPOSAL IF THEY COULD BE ASSURED OF DECISIONS WITHIN THIRTY DAYS ON EXCEPTION CASES. WHEN THE IRRELEVANCY OF THIS POINT WAS ESTABLISHED GAYMANN THEN SAID THAT THE WHOLE MATTER OF VISITATION WAS BEING USED BY THE US AS AN ATTEMPT TO RESTRICT RATHER THAN LIBERALIZE THE COCOM COMPUTER POLICY. HE POINTED OUT THAT THE US DELEGATION HAD SPENT OVER 80 PER CENT OF THE TIME DURING THE MOST RECENT SESSION IN ARGUING FOR THE INCLUSION OF MESSAGE AND DATA COMMUNICATION EQUIPMENT IN THE RESTRICTED LIST AND, THUS, THE US SHOULD HAVE BEEN PREPARED TO GO ALL THE WAY TO MEET FRG AND FRENCH VIEWS ON THE COMPUTER MATTER.

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THE INAPPROPRIATENESS OF THIS "QUID-PRO-QUO" LOGIC WAS NOTED BOTH BY EMBOFFS AND ELSON WHO POINTED OUT THAT THE COMPUTER VISITATION QUESTION SHOULD BE RESOLVED STRICTLY ON A BASIS OF TECHNICAL FEASIBILITY AND NOT ON WHAT ELSE MAY OR MAY NOT HAVE TRANSPIRED DURING THE COCOM SESSIONS.

4. ELSON, IN CONCLUDING THE INTERVIEW, STATED THAT

IT WAS ESSENTIAL THAT THE US, THE FRG AND FRANCE COME  
TO AN INFORMAL AGREEMENT BEFORE THE NEXT COCOM  
SESSION. HE WAS CONFIDENT THAT THERE WERE NO REAL

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CIAE-00 COME-00 MC-02 L-03 PM-04 INR-07 SP-02 /043 W

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 2074

INFO AMEMBASSY PARIS

USMISSION OECD PARIS

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 02 OF 02 BONN 12997

OBSTACLES TO A RECONCILING OF THE US AND FRG  
POSITIONS REGARDING RIGHTS OF ACCESS AND VISITATION,  
AND PROPOSED ONCE THE FRG NOTE WAS PUBLISHED AS A  
COCOM DOCUMENT AND THE US HAD TIME TO STUDY ITS  
CONTENT, WE GET TOGETHER ONCE MORE TO HARMONIZE OUR  
POSITIONS. GAYMANN AT THIS POINT REITERATED THE  
VIEW THAT FRANCE, NOT THE FRG, WAS THE REAL OBSTACLE  
TO AGREEMENT, AND THAT WE SHOULD ATTEMPT TO DRAW THE  
FRENCH OUT AS WE HAD THE GERMANS TO MAKE THEM  
CLARIFY AND JUSTIFY THEIR OBJECTIONS.

5. COMMENT: THE GERMANS, AS REPRESENTED BY GAYMANN  
AND ELSON, ARE NOT AS DOGMATICALLY COMMITTED TO THE  
VIEWS EXPRESSED IN THE COCOM SESSIONS AS WOULD HAVE  
APPEARED TO BE THE CASE. SINCE, AS WAS INDICATED IN  
REFTEL, WE HAVE SOME FLEXIBILITY IN FORMULATING  
VISITATION POLICY, AND AS IT WAS EVIDENT FROM  
DISCUSSIONS WITH GAYMANN AND ELSON THAT THE FRG IS

LIKEWISE FLEXIBLE, WE SEE NO SERIOUS OBSTACLE TO  
REACHING FINAL AGREEMENT BEFORE THE NEXT SESSION.  
WE WOULD URGE, HOWEVER, THAT EMBASSY PARIS GET THE  
FRENCH TO SPELL OUT THEIR POSITION, PERHAPS IN A  
COCOM DOCUMENT AS THE GERMANS ARE DOING, IN ORDER TO  
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DIFFERENTIATE THE FRG FROM THE FRENCH POSITION, AND  
ENABLE US TO PREVENT THE FRG FROM PASSING THE ONUS  
FOR CONTINUED FAILURE TO REACH AGREEMENT ONTO THE  
FRENCH AND VICE VERSA.  
HILLENBRAND

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** COMPUTERS, STRATEGIC TRADE CONTROLS  
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**Copy:** SINGLE  
**Draft Date:** 12 AUG 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Review Authority:** GarlanWA  
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**TAGS:** ESTC, US, GE, COCOM  
**To:** STATE  
**Type:** TE  
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